

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Shawn F. Henry, Jennifer R. Henry
Debtor

Fay Servicing, LLC as servicer for U.S.
Bank National Association, not in its
individual capacity, but solely as
Trustee for RMTP Trust, Series 2021
Cottage-TT-V
v.

Shawn F. Henry
Jennifer R. Henry
Kenneth E. West
Respondents

CASE NO.: 23-11032-djb

CHAPTER 13

Judge: Derek J. Baker

Hearing Date: August 28, 2025

Objection Deadline: August 4, 2025

MOTION FOR RELIEF FROM THE
AUTOMATIC STAY

Fay Servicing, LLC as servicer for U.S. Bank National Association, not in its individual capacity, but solely as Trustee for RMTP Trust, Series 2021 Cottage-TT-V (on behalf of itself and together with any successor and/or assign, "Movant") hereby moves this Court for an Order (i) pursuant to 11 U.S.C. § 362 (d)(1); vacating the automatic stay to permit Movant, its successors and/or assigns, to enforce its mortgage on the Debtor's premises located at 39 Ridge Road, Aston, PA 19014 (The "Property") and (ii) for such other and further relief as is just and proper. In support of this Motion, Movant respectfully states:

1. Movant is the holder of a Note executed by Shawn F. Henry dated September 27, 2013, whereby Shawn F. Henry promised to repay \$206,600.00 plus interest to Mortgage Research Center LLC DBA Veterans United Home Loans (the "Original Lender"). To secure the repayment of the Note, Shawn F. Henry executed a Mortgage in favor of MERS, Inc., as nominee for

Mortgage Research Center LLC DBA Veterans United Home Loans, encumbering the Property commonly known as 39 Ridge Road, Aston, PA 19014, which Mortgage was recorded in the Official records of Delaware County at Book BK05410, Page 1798 (hereinafter “Mortgage”). Other than liens with statutory priority, Movant’s mortgage is in first lien position. The Mortgage was ultimately assigned to Movant by an Assignment of Mortgage. Debtor entered into a Loan Modification Agreement effective July 1, 2017, which created a New Principal Balance of \$211,742.92. A copy of the Note, Mortgage, Assignments of Mortgage, and Loan Modification Agreement are attached hereto as **Exhibit A**.

2. The Petition under Chapter 13 of the United States Bankruptcy Code was filed by the Debtor Shawn F. Henry, Jennifer R. Henry on April 10, 2023.

3. This Court has jurisdiction over this case and this motion pursuant to 28 U.S.C. §§ 157 and 1334.

4. Venue of this case and this motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The Debtor has failed to make current mortgage payments due under the terms of the Loan. As a result, the Loan remains post-petition due for April 1, 2025, and each subsequent payment thereafter.

6. Pursuant to 11 U.S.C. § 362(d)(1), the court shall enter an order granting a secured creditor relief from the automatic stay for cause “including the lack of adequate protection of an interest in property of such party and interest.”

7. Specifically, courts have found cause for the granting of relief from an automatic stay where the debtor has failed to make post-petition mortgage payments as they become due. In *Re Taylor*, 151 B.R. 646, 648 (Bankr. E.D.N.Y. 1993).

8. Movant respectfully requests reasonable attorney fees in the amount of \$1,350.00 and costs in the amount of \$199.00.

9. In addition, Movant requests an Order allowing Movant to offer and provide Debtors with information regarding a potential Forbearance Agreement, short sale, deed in lieu, loan modification, Refinance Agreement, or other loan workout/loss mitigation agreement, and to enter into such agreement with the Debtors without further order of the court.

WHEREFORE, Movant respectfully requests an Order of this Court vacating the automatic stay and for such other, further and additional relief as to this Court may deem just, proper and equitable.

Dated: July 21, 2025

By: /s/Lauren Moyer

Lauren M. Moyer, Esq.

FRIEDMAN VARTOLO LLP

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